

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: Brian J. Halenar : Case No: 18-50708
Katie A. Halenar : Chapter 13 Judge: C KATHRYN PRESTON
Debtor(s) : 341 Date: March 21, 2018

FIRST AMENDED

CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307. This objection supersedes any prior objection filed in this case by the Trustee.

Above median income X Below median income _____

X **11 U.S.C. §1325(a)(1)-Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:**

X Trustee is unable to accurately determine length. **Trustee is unable to determine length as Objections and Orders have not been filed and entered, as proposed by Paragraph 5.1.4 of Debtor's Plan.**

X Debtor has failed to file a complete list of creditors, statement of financial affairs, schedules including current income and expenses, or other filing requirements, pursuant to 11 U.S.C. § 521. **Schedule B fails to reflect values of both whole life insurance policies.**

X Other: **Plan 5.1.4 fails to reflect creditor name for both lien autos.**

Plan 5.1.4 fails to reflect purchase date of both autos; schedule D simply states 2015, Trustee unable to determine if autos are properly classified as "506" claims.

Plan (summary box) box not checked "This Plan limits the amount of a secured claim based on a valuation of the collateral securing the claim"; however section 5.1.4 provides treatment for debts.

Plan sections 3 and 5.1.1 differs from Schedule A and D as to real property address.

Plan sections 5.2.1 fails to reflect mortgage arrearages for both 1st and 2nd mortgages.

Plan section 3 - clarify on what basis pre-adequate protection payments are provided for both 1st and 2nd mortgages.

Schedules B, D and the Plan disclose lien auto to GM Financial as a 2011 Toyota; however proof of claim filed reflects 2012 Toyota.

X Trustee is unable to accurately determine best interest as Debtor(s) have failed to provide an acceptable appraisal, pursuant to LBR 3015-3(e)(3). **Provide an Appraisal of property.**

X 11 U.S.C. §1325(a)(6)-Plan is not feasible based on income, living expenses, and plan payments.

X Other: **Schedule I - per 341 testimony student loan garnishment has ceased; amend accordingly.**

Schedule I and pay advices provided for Mrs. differs as to 401k deductions.

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for May 10, 2018, unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c).

TERMS OF THE PLAN:

Plan Payments: \$3700.00/REM

Best Interest Dividend: 0% Dividend: 100%

Length: 0 Months

Further, Trustee notes that:

X Debtor(s)' counsel to upload Wage Order.

X Trustee notes: High budget items in 100%; if unsecured dividend were to decrease Trustee to re-review expenses.

Dated: April 24, 2018

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees
Chapter 13 Trustee
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CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's First Amended Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: April 24, 2018

/s/ Frank M. Pees

Frank M. Pees
Chapter 13 Trustee
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Worthington, Ohio 43085-6300